

12751  
04 NOV 2015

From: Deputy Public Works Officer, Public Works Department, Naval Base Kitsap, Naval Facilities Engineering Command, Northwest  
To: George Karl, Engineering Technician, GS-0802-11, Public Works Department, Naval Base Kitsap, Naval Facilities Engineering Command, Northwest

Subj: DECISION ON PROPOSED TWO (2) DAY SUSPENSION

Ref: (a) Notice of Proposed Suspension dated 3 Sep 15  
(b) 5 CFR 752  
(c) Negotiated Agreement BTWN NAVFAC NW & IAM&AW District  
160, Local Lodge 282 of 13 Mar 13

1. You were notified by reference (a), of the proposal to suspend you from duty and pay for two (2) days from your position of Engineering Technician, GS-0802-11, in accordance with reference (b). The basis for the action was as follows:

a. **Charge:** Unacceptable Conduct

**Specification I:** On 14 May 2015, at approximately 0945, when NAVFAC NW employee, (b)(6)(b)(7)(c) asked you how fellow co-worker (b)(6)(b)(7)(c) was doing, you replied with, "He is at home recovering from constantly being bullied and harassed by management, the typical NAVFAC bullshit!" You then stated to (b)(6)(b)(7)(c) "Of course you wouldn't know anything about that because you're one of management's chosen golden children, that is the only reason you can do no wrong".

**Specification II:** On 22 May 2015, at approximately 0745, you followed (b)(6)(b)(7)(c) outside building T075A and informed him that he would be contacted soon by your attorney and required to testify as to the unfair hiring practices as he is a prime example of the unfair and unethical hiring that takes place here, and he will be required to testify. You then stated, but don't worry your job isn't in any danger at this time.

**Specification III:** On 15 May 2015, you attended an Inspector General (IG) debrief for 1 ½ hours during your duty hours. You did not have permission from your supervisor to attend.

**Specification IV:** On 8 June 2015, at approximately 0740, I requested you come in my office for a meeting. You opened the discussion with something to the effect of, "This isn't going to be about a letter of caution or some other conduct issue that (b)(6)(b)(7)(c) has dreamed up for you, is it?" You pointed your index finger at me several times, and made threats of legal action stating "We'll see when I have a chance to cross examine you in court for your actions. Upon leaving my office you made a hand gesture with your middle finger.

Subj: DECISION ON PROPOSED TWO (2) DAY SUSPENSION

2. You were granted seven (7) calendar days to reply orally or in writing or both orally and in writing if you had reasons to believe that the proposal to suspend you for two (2) days was unwarranted. On 15 September 2015, you requested a meeting via e-mail to give an oral reply.

3. On 23 September 2015, I met with you to hear your oral reply to the proposal. Also at the meeting was (b)(6)(b)(7)(c) your attorney; (b)(6)(b)(7)(c) NAVFAC NW Counsel; and (b)(6)(b)(7)(c) Human Resources Specialist. During the meeting you indicated that the complaint by (b)(6)(b)(7)(c) was made after you reported (b)(6)(b)(7)(c) to the police in late July and was due to the friendship between (b)(6)(b)(7)(c) and (b)(6)(b)(7)(c). You stated that you did not have permission to attend the IG brief, and that (b)(6)(b)(7)(c) attended the brief, acknowledged you at the IG brief and did not ask you to leave; you further stated that you only stayed for a short period of time, 15 to 20 minutes and exited out the back door. In addition, you stated that you have been under unusual job stress due to harassment, reprisal and filing MSPB documentation and that you were experiencing stress in your personal life that your first level supervisor was unaware of.

4. In making my decision I have considered your oral reply and all relevant facts. I have considered your good performance ratings, and your over eight plus years of civilian federal service; your disciplinary record reveals no prior disciplinary actions; your work history shows a letter of caution and memorandum of counseling for similar behavior within the last 15 months. The statement you made in your oral reply that (b)(6)(b)(7)(c) made the complaints against you after you reported (b)(6)(b)(7)(c) to the police is not reasonable since the incident between you and (b)(6)(b)(7)(c) was reported to management prior to 30 July 2015. I have also considered the mitigating factors and the reasons stated do not excuse your discourteous behavior towards fellow employees and management. In addition, you stated that you were not apologetic for fighting back. In conclusion I find the reasons stated in reference (a) are fully supported by the evidence; and a two (2) day suspension is the minimum penalty to correct your behavior.

5. Your two (2) day suspension from duty and pay status will be effective on 23 November 2015 you will return to duty on 25 November 2015. You will remain in your current pay status until the effective dates of this action.

6. A record of this suspension will be retained in your Official Personnel File indefinitely and may be counted as a prior offense in determining the appropriate remedy for any future offense. Such an offense may result in a more severe remedy, up to and including your removal from Federal service.

7. Your right to grieve this decision is covered in Article 20, Grievance Procedures, of reference (c). You may grieve this within 10 workdays from receipt of this letter.

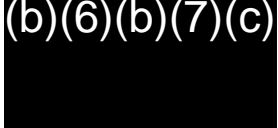
8. Information concerning your right to file a grievance may be obtained by contacting (b)(6)(b)(7)(c) Human Resources Specialist at (b)(6)(b)(7)(c).

9. Please sign and date below, which serves only to acknowledge your receipt of this letter

Subj: DECISION ON PROPOSED TWO (2) DAY SUSPENSION

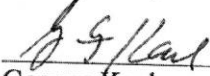
10. I would also like to inform you of the Department of the Navy Civilian Employees Assistance Program (DONCEAP). This program is offered to civilians and it provides confidential counseling and referral services on a voluntary basis to employees. If you are interested in contacting DONCEAP they can be reached at 1-844-366-2327.

(b)(6)(b)(7)(c)

A large black rectangular redaction box covering several lines of text.

cc: HRO

Acknowledgment of receipt received by:

  
George Karl

11-5-15  
Date